THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2478 OF 2007

DATED: 09-02-2007

Between:

A.V.S. Raghavan

.. Petitioner

and

The Guntur Co-operative Urban Bank Limited represented by its Chairman, Brodipet, Guntur and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.2478 OF 2007

ORDER:

This writ petition is filed seeking a mandamus declaring the orders passed by the 2nd respondent dated 31.01.2007, as arbitrary and illegal; and consequently to direct the respondents to reinstate the petitioner into service.

There is no necessity of going into all the details.

After conducting a detailed enquiry into the misconduct alleged against the petitioner, the petitioner was dismissed from service by the impugned proceedings of the 2nd respondent. Apart from that, it was also held that the petitioner is liable to pay the amounts mentioned in Annexure I and II and if he fails to pay the same to the bank within seven days, the bank will initiate criminal proceedings against him and also will take steps for recovery of the same by attaching his property under civil law.

Admittedly, an appeal can be preferred to the Managing Committee of the bank. The petitioner, instead of approaching the Managing Committee by filing an appeal, straight away filed this writ petition.

I am of the opinion that, when there is an effective and alternative remedy of appeal available to the petitioner, approaching this Court under Article 226 of the Constitution is not desirable unless some extraordinary case is made out. In this case, no such extraordinary

case is made out.

In view of the above, the writ petition is disposed of at the stage of admission leaving liberty to the petitioner to approach the Managing Committee and file a regular appeal. However, till the appeal filed by the petitioner is disposed of, no coercive steps shall be taken against him for recovery of the amounts under the impugned proceedings. No costs.

C.V. RAMULU, J

9th February 2007.
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